

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Sayville Library	)	File No SLD-328811
Sayville, New York	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. <u>97-21</u>
National Exchange Carrier Association, Inc	)	

**ORDER**

**Adopted: November 13, 2003**

**Released: November 14, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1 The Telecommunications Access Policy Division has before it a Request for Review filed by Sayville Library (Sayville), Sayville, New York, seeking review of a decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company.<sup>1</sup> SLD returned without consideration Sayville's Funding Year 2002 application for discounted services under the schools and libraries universal service support mechanism because it omitted certain information required under SLD's minimum processing standards.<sup>2</sup> Specifically, Sayville did not specify the funding year in Block 1.<sup>3</sup> For the reasons set forth below, we deny the Request for Review

2 Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.<sup>4</sup>

<sup>1</sup> Letter from Marsha Greenspan, Sayville Library, to Federal Communications Commission, filed July 8, 2002 (Request for Review) Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission 47 C.F.R. § 54.719(c)

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Bill Olson, Sayville Library, dated February 26, 2002

<sup>3</sup> FCC Form 471, Sayville Library, filed January 10, 2002 (Sayville Form 471), at Block 1

<sup>4</sup> 47 C.F.R. §§ 54.502, 54.503

The Commission's rules require that the applicant make a bona fide request for services by filing with the Administrator an FCC Form 470, which is posted to the Administrator's website for all potential competing service providers to review.<sup>5</sup> After the FCC Form 470 is posted, the applicant must wait at least 28 days before entering an agreement for services and submitting an FCC Form 471, which requests support for eligible services.<sup>6</sup> SLD reviews the FCC Forms 471 that it receives and issues funding commitment decisions in accordance with the Commission's rules.

3. Every funding year, SLD establishes and notifies applicants of a "minimum processing standard" to facilitate the efficient review of the thousands of applications requesting funding.<sup>7</sup> When an applicant submits an FCC Form 471 that omits an item subject to the minimum processing standards, SLD automatically returns the application to the applicant without considering the application for discounts under the program.<sup>8</sup> In Funding Year 2002, the information required by the minimum processing standards included specifying in Block 1 the funding year for which the applicant was requesting discounts.<sup>9</sup>

4. In *Naperville*, the Commission determined that, under the totality of the circumstances, SLD should not have returned an application without consideration for failure to meet SLD's minimum processing standards.<sup>10</sup> In *Naperville's* case, the Commission specifically found that "(1) the request for information was a first-time information requirement on a revised form, thereby possibly leading to confusion on the part of the applicants; (2) the omitted information could be easily discerned by SLD through examination of other information included in the application; and (3) the application is otherwise substantially complete."<sup>11</sup>

5. Upon review of the record in the Request for Review, we conclude that, under the totality of the circumstances, Sayville's application was appropriately returned for failure to

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<sup>5</sup> Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (October 2000) (Current Form 471); 47 C.F.R. § 54.504(b); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9078, para. 575 (1997) (*Universal Service Order*), as corrected by *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata, FCC 97-157 (rel. June 4, 1997), *affirmed in part, Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999) (affirming *Universal Service First Report and Order* in part and reversing and remanding on unrelated grounds), *cert. denied, Celpage, Inc. v. FCC*, 120 S. Ct. 2212 (May 30, 2000), *cert. denied, AT&T Corp. v. Cincinnati Bell Tel. Co.*, 120 S. Ct. 2237 (June 5, 2000), *cert. dismissed, GTE Service Corp. v. FCC*, 121 S. Ct. 423 (November 2, 2000).

<sup>6</sup> 47 C.F.R. § 54.504(b), (c); Current Form 471.

<sup>7</sup> See, e.g., SLD website, Form 471 Minimum Processing Standards and Filing Requirements, <<http://www.sl.universalservice.org/reference/471mps.asp>> (*Minimum Processing Standards*).

<sup>8</sup> *Minimum Processing Standards*

<sup>9</sup> *Minimum Processing Standards*

<sup>10</sup> *Request for Review by Naperville Community Unit School District 203, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-203343, CC Dockets No. 96-45 and 97-21, Order, 16 FCC Rcd 5032, para. 12 (2001) (*Naperville*).

<sup>11</sup> *Id.*, para. 16

satisfy minimum processing standards. We find that the information requested, the Funding Year, was not a new information request in Funding Year 2002.<sup>12</sup> Additionally, there was no other information in the application that would have allowed SLD to easily discern the appropriate funding year. Specifically, Sayville failed to indicate the service start or end dates for the funding requests in Block 5 of the application.<sup>13</sup> Therefore, we conclude that the totality of the circumstances do not warrant relief.

6 Accordingly, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Sayville Library, Sayville, New York, on July 8, 2002 IS DENIED

## FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert  
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Wireline Competition Bureau

<sup>12</sup> Compare Current Form 471, Block 1, Item 2 with Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (September 1999) (Year 3 Form 471), Block 1, Item 2

<sup>13</sup> We note that minimum processing standards for Funding Year 2002 did not require applicants to complete items 19a (service start date) or 19b (service end date) for Block 5 funding requests. See *Minimum Processing Standards*